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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/798,274

03/12/2004

Shigeru Hoyashita

119095

5184

25944 7590 05/09/2007
OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

NGUYEN, DAT

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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05/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/798,274

Applicant(s)

HOYASHITA ET AL.

Examiner

Dat T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 5, 7 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/08/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This office action is responsive to the amendments filed on 11/30/006 in which applicant amends claims 1-3 and 6, cancels claims 5, 7 and 8, and responds to claim rejections. Claims 1-4 and 6 are pending.

Regarding the amendment, the examiner believes that applicant has mistakenly forgotten to indicate newly amended claim 1 wherein the language after the underlined language should also be underlined to indicate it as being also amended. Specifically, "the user via the network and for selecting..." The examiner is unable to find wherein the previous set of claims does such recitation exist therefore, for the purposes of expediting prosecution, the examiner would like to note that all claimed language after the underlined amendment to claim 1 beginning with "the user via the network..." and ending with "...which member can readily respond," should also be noted as currently amended by underlining.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over L'Allier et al. (US 6,039,575) in view of Chao et al. (US 6,325,632).

A discussion of the prior art with respect of to the claims can be found in the previous office action dated 07/31/2006.

Regarding claim 1, L'Allier does not disclose expressly an educational support database (i.e., storage medium) in which educational support members (i.e., instructors), specialization areas of respective educational support members, and contact addresses (i.e., email address) of respective educational support members are recorded therein; support member selection means (i.e., search engine) for receiving support request from the user via a network and for selecting at least one educational support member who has a specialization field (e.g., Speak English) coinciding with a specialization field of said support request received from the user via the network or a specialization field in which the educational service is provided to the user from said educational support member database; and connection agent means (i.e., session manager) for mediating a connection between said contact address of the selected educational support member and said user via the network and for communicating at least one piece of information from audio information (i.e., an audio stream), image information (e.g., a picture), and text information between the selected educational support member and the user.

L'Allier does not disclose expressly user support means for receiving the reply of the support request from the selected educational support member via the network and for forwarding it to the corresponding user via the network. L'Allier does not disclose expressly a register means for registering status of the educational support members, in which each support member is ready to respond to the support request or not, to the educational support member database, and wherein said support selection means,

when an educational support member is to be selected, for preferentially selecting the educational support member who has a status in which the member can readily respond. However, Chao teaches such in Col.4: 11-40, Col.5: 1-Col.6: 15. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitations into the method and system of L'Allier, in light of the teaching of Chao, in order to provide a system for matching students with instructors.

Response to Arguments

Applicant's arguments filed 11/30/2006 have been fully considered but they are not persuasive.

Applicant alleges the prior art fails to disclose a system when an educational support member is to be selected, selects the educational support member who has a status in which the member can readily respond. The examiner respectfully disagrees. The examiner asserts that Chao does in fact disclose such a limitation wherein Chao discloses the option of allowing the instructors of including information regarding their availability wherein if the instructor is to be away from some period of time in the near future, the instructor can indicate such an absence or a lack of availability in the profile (4:34-40) therefore, instructors who are not noted as being unavailable are considered to be capable of readily responding to any student requests. Furthermore, Chao also teaches a feature wherein instructors can indicate their hours of availability for work and responds and students can search for such hours based on their own preference and indicate the level of importance they place on the hours of availability of the professors

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for being readily available for response (5:15-45). The examiner believes that applicant is interpreting the term readily too broadly wherein applicant has meant it to mean instantly. Readily as defined by a standard dictionary, (www.dictionary.com) is defined to mean in a manner indicating or connoting ease, easily or in a prompt, timely manner. Either definitions as applied to the word readily would be covered by the teaching of Chao wherein the use of email can be considered to be used in a manner indicating ease, prompt, or timely since email is notoriously well known to be very convenient as well as prompt and timely when compared to conventional mailing services.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dat T. Nguyen whose telephone number is (571) 272-2178. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dat Nguyen



Robert E. Pezzuto
Supervisory Patent Examiner
Art Unit 3714